

# Environment Council of Rhode Island

## Rhode Island General Assembly

# 2008 Green Report Card

## General Assembly Earns 'B' for Environmental Legislation

The Environment Council of Rhode Island's (ECRI's) 2008 Green Report Card provides a look at the environmental voting records of General Assembly members on ECRI priority bills during the 2007 and 2008 legislative sessions.

The report card covers a broad range of environmental issues reflecting the diverse interests of our member organizations, including clean air, clean water, protection of open space lands, clean and renewable energy, wildlife habitat, sustainable land use, transportation, toxic chemicals and open accountable governance.

The Environment Council of Rhode Island gives the Rhode Island General Assembly an overall 'B' grade for its handling of environmental issues in 2007 and 2008. Taken as a whole, the session will result in an improved environment in Rhode Island by encouraging clean energy, reducing waste and toxic products, promoting public transit, protecting open space lands, controlling air pollution and preventing water pollution.

Notwithstanding these achievements, the General Assembly also undermined the implementation of the Separation of Powers amendment for crucial boards with responsibility for environmental protection and missed several opportunities to fund key environmental programs and pass additional legislation. The 'B' grade reflects the Assembly's strong commitment to environmental protection, but shows room for improvement in the coming session.

Highlights of the 2007-08 legislative session's environmental victories are listed below with their lead Senate and House sponsors:

- The **Regional Greenhouse Gas Initiative Act** to implement the nation's first regional agreement to cap and reduce global warming pollution from power plants. (Sosnowski, Handy)
- A package of **renewable energy legislation** ap-

proved over two years to encourage the development of small-scale and utility-scale wind, solar and other renewable energy projects in Rhode Island. (Montalbano, Miller, Fox, Rice, Segal)

- The **Electronic Waste Prevention, Reuse and Recycling Act** to prevent toxic pollution from electronic waste by requiring television and computer manufacturers to pay for the collection and recycling of their products. (Sosnowski, Handy)
- Other new **recycling laws** to require each municipality that contracts with the Rhode Island Resource Recovery Corporation (RIRRC) to recycle 35 percent and divert 50 percent of the waste collected at the Central Landfill (Sosnowski, Malik) and move Rhode Island toward consideration of bottle deposit legislation. (Paiva Weed, Walsh)
- A package of **public transit legislation** to strengthen the Rhode Island Public Transit Authority's role as the mobility manager of the state, move toward efficient bus rapid transit models (Connors, Pacheco), and encourage state employees (Gibbs, Segal) and students of state colleges (Miller, Handy) to use buses.
- The **Cesspool Phaseout Act** to reduce water pollution by eliminating cesspools along the coast and near public water supplies. (Gibbs, Walsh)
- The **Diesel Emissions Reduction Act of 2007** to reduce diesel pollution from school buses. (Moura, Ginaitt)

### See inside!

- **Gov. Carcieri's Inconsistent Environmental Record**
- **Missed Opportunities**
- **General Assembly Members' Grades**

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# Governor Carcieri's Inconsistent Environmental Record

Environmental issues suffered during 2007 and 2008, as Rhode Island's deepening budget woes absorbed the attentions and drained the resources of the Governor's office and executive branch. One step forward was taken on issues like climate change, wind power, and Bay monitoring, but too often progress was matched by two steps backward on issues like bond funding for Clean Water and Open Space Conservation and the veto of legislation needed to support long-term contracts for suppliers of renewable energy.

The Governor and his staff continued to demonstrate a lack of leadership and failed to work effectively with the General Assembly and state agencies—as evidenced by the Governor's vetoing of important environmental legislation passed by the General Assembly and by his inability to secure approval from the Senate for his appointments to the Rhode Island Resource Recovery Corporation (RIRRC). Overall, the Governor has not prioritized environmental protection and has not worked effectively with the environmental community to address the challenges facing the State.

## Clean Energy

Governor Carcieri was initially reluctant to participate in the Regional Greenhouse Gas Initiative (RGGI), a framework for reducing greenhouse gas emissions from power plants. This initiative will reduce pollution from power plants and provide a model for national efforts to combat climate change. Responding to strong support by Rhode Island citizens, legislators, and environmental groups, Governor Carcieri finally brought Rhode Island back as the last state to join RGGI.

Governor Carcieri has made wind power the centerpiece of his administration's environmental platform. The Governor's office convened a stakeholder's process to consider siting of a wind farm, and the administration is proceeding with a process to select a potential partner for wind development.

The Coastal Resources Management Council (CRMC), in conjunction with the University of

Rhode Island, is undertaking a formal process to create the regulatory framework for siting energy facilities in Rhode Island's coastal waters. This framework is intended to create a more efficient and productive development of renewable energy in Rhode Island. However, Governor Carcieri has undermined efforts to encourage renewable energy development. He vetoed an important bill passed by the General Assembly this year that would have created incentives for the construction of needed renewable energy projects through long-term contracts.

Despite delayed appointments to the Energy Efficiency and Resource Management Council, the Council quickly drafted a plan for utility programs. The plan provides for increased energy efficiency, demand management, and small-scale renewable energy and combined heat and power as required by the landmark Comprehensive Energy Act of 2006.

## Transportation

Public transportation has been a growing issue in Rhode Island with gasoline prices skyrocketing and more people concerned about global warming. Yet, in 2007 Governor Carcieri vetoed a bill to update the Rhode Island Public Transit Authority's (RIPTA's) enabling statute as a "mobility manager" rather than merely an agency that takes over failing bus companies.

In 2008, he vetoed two important bills that would have strengthened Rhode Island's public transit system with little or no cost. One would have allowed buses to extend green lights, thus helping attract riders while using fuel, labor, and equipment more efficiently. The other would have required URI, RIC, and CCRI to participate in RIPTA's UPass system.

The Governor did sign into law a good bill to promote alternatives to single-occupancy car commuting for state employees.

Although Governor Carcieri points to his approval of a commuter rail extension to T.F. Green Air-

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port and Wickford Junction as a key initiative, he has not pushed the commuter rail project through administrative hurdles, threatening the time-limited federally earmarked funding for the project.

Finally, the Governor established a Blue Ribbon Commission on Transportation funding, but failed to include any environmental or public transit advocates in his appointments.

### **Land and Water Conservation**

As part of the FY2009 budget, Governor Carcieri proposed a \$35 million bond referendum for the November 2008 ballot, allocating \$30 million for Narragansett Bay and Watershed Restoration and \$5 million for Open Space Conservation and Recreation Development. This was less than half of the \$85 million that he proposed just months earlier for water quality projects alone.

Funding from the 2004 bond referendum for the state's land conservation programs will be exhausted by the end of FY 2009 and, without new bonds for land conservation, these programs will completely run out of funding. When the annual budget negotiations ended between the legislature and Governor's office, no bond monies were included for either the much-needed investment in the State's clean water infrastructure or farmland and open space protection. An end-of-session push by a handful of legislators salvaged \$2.5 million of the funds needed for land conservation, but the State's clean water needs were not addressed.

### **Open Space Conservation**

The Governor's FY 2008 budget included the sale of Camp Pastore on Watchaug Pond in Charlestown, an important natural area, as "surplus property." Proceeds from this sale were to be used for Department of Mental Health, Retardation, and Hospitals (MHRH) operating funds.

Camp Pastore was first purchased in 1934 as part of Burlingame State Park. In 1986, this portion of Burlingame was transferred from Department of Environmental Management (DEM) to MHRH for continued recreational use. If MHRH no longer needs the Camp Pastore property for outdoor recreation, it should be transferred back to DEM for the state park.

### **Narragansett Bay and Watershed**

The Rhode Island Bays, Rivers and Watershed Coordination Team began to take shape after the 2006 appointment of Chairman Ames Colt. In 2007, the Governor proposed and the assembly approved dedicated funding for Bay and watershed monitoring designed to support data-driven management of the Bay.

In 2008, the Coordination Team completed a systems level plan for the Bay and watershed. However, the capacity to meet the objectives outlined in the plan has been compromised by the limited resources allocated to the environmental agencies. Uncertainty and tension was also triggered by a surprise proposal in the 2009 budget to merge DEM, CRMC and the Water Resources Board (WRB). The merger was not approved.

The composition of CRMC and the Narragansett Bay Commission (NBC) have yet to be brought into conformity with the Separation of Powers (SOP) constitutional amendment passed in 2004. Vacancies and legislative appointees serving with expired terms undermine the strength and legitimacy of these boards. The Governor continues to advocate for SOP and has filed a brief in connection with the advisory opinion sought by the House, arguing that CRMC is subject to the Separation of Powers. These key agencies will continue to operate in violation of the Constitution until the Legislature fulfills the mandate of SOP.

After three years of effort, the Rhode Island Cesspool Act of 2007 was passed with a strong push from DEM. The law is limited to only cesspools located within 200 feet of tidal water areas, public drinking water wells or surface drinking water supplies. Freshwater ponds and streams are still unprotected. The cesspool phase-out bill does require real estate sales contracts to have a ten-day period in which a potential buyer may inspect a wastewater disposal system before finalizing a purchase.

### **Waste Management**

The appointment of a strong executive director has brought a new commitment to effectively manage the state's Central Landfill. The director has encouraged recycling and brought to light signifi-

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# Environment Council of Rhode Island

## 2008 Green Report Card

### State Senate

		District	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Bill Points	Sponsor Points	Total Points	Grade
Dennis L.	Algiere	38	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	80	6	86	A
Stephen D.	Alves	9	+	+	+	+	+	+	+	+	0	0	+	+	+	+	+	+	70	0	70	A-
David E.	Bates	32	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	80	5	85	A
Leo R.	Blais	21	+	+	+	+	+	+	+	+	+	0	+	+	-	+	+	+	65	0	65	B+
Kevin A.	Breene	34	0	+	+	+	+	+	+	+	+	+	+	+	0	0	0	+	60	0	60	B+
Frank A.	Ciccone, III	7	+	+	+	+	+	+	+	0	0	+	+	+	+	+	0	+	65	0	65	B+
Daniel P.	Connors	19	0	+	+	+	+	+	+	+	+	0	+	+	0	0	+	+	60	6	66	B+
Marc A.	Cote	24	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	80	0	80	A
Daniel	Da Ponte	14	+	+	+	+	+	+	+	0	+	0	+	+	+	+	+	+	70	0	70	A-
James E.	Doyle II	8	+	+	+	+	+	+	+	+	+	0	+	+	+	+	+	+	75	0	75	A-
Walter S.	Felag, Jr.	10	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	80	2	82	A
Paul W.	Fogarty	23	+	+	+	0	+	0	+	+	+	0	+	+	+	+	+	0	60	0	60	B+
Hanna M.	Gallo	27	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	80	0	80	A
June N.	Gibbs	12	+	+	+	+	+	+	0	+	+	+	+	+	+	+	+	+	75	9	84	A
Maryellen	Goodwin	1	+	0	0	+	+	+	0	+	0	0	+	+	+	+	+	+	55	0	55	B
Daniel J.	Issa	16	+	+	+	0	+	+	+	+	+	+	+	+	+	+	+	+	75	0	75	A-
Paul V.	Jabour	5	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	80	0	80	A
Beatrice A.	Lanzi	26	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	80	0	80	A
J. Michael	Lenihan	35	+	+	+	-	+	+	+	+	0	+	+	+	+	+	+	0	60	0	60	B+
Charles J.	Levesque	11	0	+	+	+	+	+	+	+	+	+	+	0	0	0	+	+	60	0	60	B+
Christopher B.	Maselli	25	+	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	70	0	70	A-
John F.	McBurney	15	0	0	0	+	0	+	0	+	+	+	+	+	0	0	+	0	40	0	40	C+
Michael J.	McCaffrey	29	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	80	0	80	A
Harold M.	Metts	6	+	+	+	+	+	+	+	0	0	+	+	+	+	+	0	+	65	0	65	B+
Joshua B.	Miller	28	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	80	7	87	A
Joseph A.	Montalbano	17	0	+	+	+	+	+	+	0	+	+	+	+	+	+	+	0	65	12	77	A
Paul E.	Moura	18	+	+	+	+	+	+	+	0	0	+	+	+	+	+	+	+	70	8	78	A
M. Teresa	Paiva Weed	13	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	80	3	83	A
Rhoda E.	Perry	3	0	+	+	+	+	+	+	+	0	+	+	+	+	+	+	+	70	0	70	A-
Roger A.	Picard	20	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	0	75	0	75	A-
Juan M.	Pichardo	2	+	+	+	0	+	0	+	+	+	+	+	+	+	+	0	+	65	0	65	B+
Leonidas P.	Raptakis	33	+	0	0	+	0	+	0	+	+	0	+	+	+	+	+	+	55	0	55	B
John C.	Revens, Jr.	31	+	+	+	+	+	+	+	+	0	0	+	+	+	0	+	0	60	0	60	B+
Dominick J.	Ruggerio	4	+	0	0	+	0	+	0	0	+	+	+	+	+	+	+	+	55	0	55	B
James C.	Sheehan	36	+	0	0	+	0	+	+	+	+	+	+	+	+	+	+	+	65	0	65	B+
V. Susan	Sosnowski	37	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	80	17	97	A+
John J.	Tassoni, Jr.	22	+	+	+	+	+	+	+	0	+	+	+	+	+	+	+	+	75	0	75	A-
William A.	Walaska	30	0	+	+	+	+	+	+	+	+	+	+	+	+	+	+	0	70	0	70	A-

See description of bills on page 7.

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### State House of Representatives

		District	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	Bill Points	Sponsor Points	Total Points	Grade
Edith H.	Ajello	3	+	+	+	+	+	+	+	o	+	+	+	+	+	o	o	o	-	55	0	55	B
Joseph S.	Almeida	12	+	+	+	+	+	+	+	+	+	+	+	+	o	+	+	-	-	60	0	60	B
Joseph N.	Amaral	70	+	o	+	+	o	+	o	o	+	o	+	+	+	o	+	o	+	50	2	52	B-
Lisa	Baldelli- Hunt	49	+	+	+	o	+	+	-	+	+	-	+	+	+	+	o	+	-	45	0	45	B-
Jon D.	Brien	50	+	+	+	+	+	+	o	+	+	+	+	+	+	+	-	-	-	50	0	50	B-
David A.	Caprio	34	-	+	+	+	o	+	o	+	+	-	+	o	+	+	+	-	+	40	0	40	C+
Kenneth	Carter	31	+	+	+	+	o	+	+	+	+	-	+	+	+	o	o	o	-	45	0	45	B-
Raymond C.	Church	48	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	55	0	55	B
Steven J.	Coaty	75	nv	+	+	-	-	+	+	nv	+	-	+	nv	nv	nv	nv	nv	+	34	0	34	C
Elaine A.	Coderre	60	+	+	+	+	+	o	+	+	+	+	+	+	+	+	-	-	-	50	0	50	B-
Arthur J.	Corvese	55	-	+	+	+	+	+	+	+	+	-	+	+	+	+	-	-	-	35	0	35	C
Steven M.	Costantino	8	+	+	+	+	+	+	+	o	+	+	+	+	+	+	-	-	-	50	0	50	B-
Elizabeth M.	Dennigan	62	+	+	+	+	+	+	+	+	+	+	+	+	o	+	+	-	-	60	0	60	B
John J.	DeSimone	5	+	o	+	+	+	+	o	+	o	-	+	+	+	+	-	-	o	35	-6	29	C
Grace	Diaz	11	+	+	+	+	o	o	+	+	+	o	+	o	+	+	o	-	-	40	0	40	C+
Laurence W.	Ehrhardt	32	+	+	+	-	-	+	-	+	+	-	+	+	+	+	+	+	+	45	0	45	B-
Deborah A.	Fellela	43	+	+	+	o	+	+	+	+	+	o	+	+	+	+	+	-	-	55	0	55	B
Frank	Ferri	22	nv	+	+	+	+	+	+	nv	+	+	+	nv	nv	nv	nv	nv	+	85	4	89	A
Robert E.	Flaherty	23	o	+	+	+	o	o	o	o	+	o	o	o	o	o	o	o	+	25	0	25	C-
Gordon D.	Fox	4	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	55	5	60	B
Douglas W.	Gablinske	68	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	75	0	75	A-
Raymond E.	Gallison, Jr.	69	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	+	65	0	65	B+
Al	Gemma	20	+	+	+	+	+	+	o	+	+	-	+	o	+	+	-	-	-	35	0	35	C
Joanne, M.	Giannini	7	+	+	+	+	+	+	-	+	+	-	+	+	+	+	-	-	-	35	0	35	C
Nicholas	Gorham	40	+	+	-	-	-	+	-	+	+	-	+	-	+	-	+	+	+	15	0	15	D
Arthur	Handy	18	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	85	10	95	A+
J. Russell	Jackson	73	+	+	+	+	+	+	+	+	o	-	+	+	+	+	+	-	-	50	0	50	B-
Robert B.	Jacquard	17	o	+	+	+	o	+	o	+	o	o	+	o	o	+	-	-	o	25	0	25	C-
Brian Patrick	Kennedy	38	+	+	+	+	+	+	o	+	+	-	+	o	+	+	-	-	-	35	0	35	C
Peter F.	Kilmartin	61	+	+	+	+	o	+	+	+	+	+	+	+	+	+	-	-	-	50	0	50	B-
Donald J.	Lally, Jr.	33	+	+	+	+	o	o	+	+	o	o	+	+	+	+	-	-	-	35	0	35	C
Peter L.	Lewiss	37	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	-	-	55	0	55	B
Charlene M.	Lima	14	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	55	0	55	B
Bruce J.	Long	74	+	+	+	+	+	+	+	+	+	o	+	+	+	+	+	+	+	80	0	80	A-
John J.	Loughlin II	71	+	+	+	-	-	+	o	+	+	-	+	o	+	o	+	+	+	40	2	42	C+
Jan P.	Malik	67	+	+	o	+	+	+	+	+	+	o	o	+	+	+	+	+	-	60	6	66	B+

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### State House of Representatives

	District	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	Bill Points	Sponsor Points	Total Points	Grade
Nicholas A. Mattiello	15	+	+	+	+	+	+	+	+	+	0	+	0	+	+	-	-	-	45	0	45	B-
John J. McCauley, Jr.	1	+	+	0	+	+	+	0	+	+	+	+	+	0	0	0	-	-	40	0	40	C+
William J. McManus	46	+	+	+	0	+	+	-	+	+	-	+	+	+	+	+	+	+	60	0	60	B
Joseph M. McNamara	19	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	55	0	55	B
Helio Melo	64	+	+	+	+	0	+	0	+	+	0	+	+	+	+	+	-	-	50	0	50	B-
Rene R. Menard	45	-	+	+	+	0	0	-	+	+	0	+	0	+	+	+	+	+	45	0	45	B-
Victor G. Moffitt	28	+	+	+	0	+	+	-	+	+	-	+	+	+	+	+	+	+	60	0	60	B
Carol A. Mumford	41	+	+	+	-	-	+	-	+	+	-	+	+	+	+	+	+	+	45	0	45	B-
William J. Murphy	26	+	+	+	+	+	0	+	+	+	+	+	+	+	+	-	-	-	50	0	50	B-
Eileen S. Naughton	21	+	+	0	+	+	+	+	+	+	+	0	+	+	+	-	-	-	45	0	45	B-
J. Patrick O'Neill	59	0	+	+	+	+	+	0	+	+	-	+	0	+	+	-	-	-	30	0	30	C
Edwin R. Pacheco	47	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	+	65	6	71	B+
Peter G. Palumbo	16	-	-	+	-	0	0	0	0	0	0	0	0	0	0	0	0	0	-10	0	-10	F
Peter John Petrarca	44	-	+	+	+	+	+	0	0	+	-	+	+	+	+	-	-	-	25	0	25	C-
Amy G. Rice	72	+	+	+	+	+	+	+	+	+	+	+	0	+	+	+	-	+	70	3	73	A-
Henry C. Rose	63	0	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	50	0	50	B-
William San Bento, Jr.	58	+	+	+	0	+	0	0	+	+	+	+	0	0	+	-	-	-	30	0	30	C
John A. Savage	65	0	+	+	+	+	+	+	+	+	-	+	0	0	+	+	+	+	60	0	60	B
Gregory J. Schadone	54	+	+	+	+	0	0	0	+	0	0	+	+	+	+	-	-	0	35	0	35	C
Joseph H. Scott	39	0	0	0	+	0	0	+	+	+	0	+	0	0	0	0	-	+	25	0	25	C-
David A. Segal	2	+	+	+	+	+	+	+	+	+	+	+	0	+	+	+	-	+	70	12	82	A
Patricia A. Serpa	27	+	+	+	0	+	+	+	+	+	+	+	+	0	+	-	-	-	45	0	45	B-
John Patrick Shanley	35	-	+	+	+	0	0	-	+	0	-	+	+	+	+	+	-	-	20	0	20	C-
Agostinho F. Silva	56	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	55	0	55	B
Richard W. Singleton	52	0	0	+	0	0	0	0	+	+	0	+	0	+	+	+	+	0	40	0	40	C+
Thomas C. Slater	10	+	+	+	+	+	+	+	+	0	+	+	+	+	+	-	-	-	50	0	50	B-
Steven F. Smith	13	+	+	0	+	+	+	0	+	0	-	0	0	0	+	-	-	+	25	0	25	C-
Susan A. Story	66	+	+	+	-	+	+	+	+	+	-	+	+	+	+	+	+	+	65	3	68	B+
Raymond J. Sullivan, Jr.	29	+	+	+	+	+	+	0	+	+	-	+	0	0	+	-	-	-	30	5	35	C
Joseph A. Trillo	24	-	+	+	+	+	+	0	0	-	-	+	+	0	-	+	+	-	20	0	20	C-
Stephen R. Ucci	42	+	+	+	0	+	+	0	+	+	-	+	0	0	+	+	-	+	45	0	45	B-
Kenneth A. Vaudreuil	57	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	55	0	55	B
Donna Walsh	36	+	+	+	+	+	+	+	+	+	0	+	+	+	+	+	-	+	70	12	82	A
Peter N. Wasyluk	6	0	0	+	0	0	0	0	0	-	0	0	0	+	0	0	0	+	10	0	10	D
Robert A. Watson	30	-	-	-	-	-	+	-	0	0	-	-	+	0	-	+	+	+	-20	0	-20	F
Anastasia P. Williams	9	0	+	+	0	+	+	+	0	+	0	+	0	0	0	0	0	0	35	0	35	C
Timothy A. Williamson	25	0	0	+	+	0	0	+	+	+	0	+	0	+	+	-	-	-	25	0	25	C-
Thomas Winfield	53	-	+	+	+	+	+	0	0	+	-	+	+	+	+	+	+	+	55	0	55	B

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## Brief Description of Bills

- 1. Regional Greenhouse Gas Implementation, 2007** (S943B, H5577A) A vote for Rhode Island to sign onto the Regional Greenhouse Gas Initiative, which nine northeastern states have signed, to cut global warming pollution from power plants and cut electricity costs through investments in energy efficiency. A vote in favor was scored +. Bill passed.
- 2. Net Metering, 2008** (S2851, H7809) A vote to promote local clean energy projects by lifting the net-metering cap and allowing small-scale renewable energy producers to credit their excess generation to other community users, including municipal buildings and affordable housing developments. A vote in favor was scored +. Bill passed.
- 3. Municipal Renewable Energy Fund, 2008** (S2852, H7806) A vote to fund an energy efficiency program for oil-heated buildings and provide energy assistance for low-income Rhode Islanders. A vote in favor was scored +. Bill passed.
- 4. Long Term Contracts, 2008** (S2849B, H7916) A vote to require National Grid to procure at least 5% of their load through long-term contracts for renewable energy. A vote in favor was scored +. Bill passed. Vetoed by Governor.
- 5. Electronic Waste Producer Responsibility Act, 2008** (S2631, H7880) A vote to require manufacturers to pay for collecting and safely recycling discarded electronic equipment. A vote in favor was scored +. Bill passed.
- 6. Municipal Recycling, 2008** (S2797A, H8380A) A vote to require municipalities that contract with RIRRC to increase their recycling rates from 15% to 35%, thus diverting 50% of solid waste collected and extending the life of the landfill. The bill also required larger employers (50 or more employees) to contract for recycling services as part of any agreement with a private waste hauler. A vote in favor was scored +. Bill passed.
- 7. Bottle Bill / Beverage Container Deposit Act, 2008** (S2771A, H8297A) A vote to reduce litter and increase recycling rates by requiring a 5-cent refundable deposit on beverage containers. A vote in favor was scored +. Bill passed.
- 8. State Employee Fringe Benefits, 2007** (S414, H5416) A vote to encourage state employees to use RIPTA by giving them a benefit to purchase monthly bus passes. A vote in favor was scored +. Bill passed.
- 9. Bus Rapid Transit, 2008** (S2077A, H7264A) A vote to speed up bus trips by authorizing RIPTA buses to extend green lights at intersections and by requiring motorists to yield to RIPTA buses as they re-enter lanes from bus stops. A vote in favor was scored +. Bill passed. Vetoed by Governor.
- 10. U-Pass, 2008** (S2158A, H7857) A vote to require public colleges to join RIPTA's U-pass program, which allows students' college IDs to serve as bus passes. A vote in favor was scored +. Bill passed. Vetoed by Governor.
- 11. Adverse Possession, 2008** (S2027, H7082) A vote to afford nonprofits the same protections from encroachment on protected conservation land as that provided to the state government. A vote in favor was scored +. Bill passed.
- 12. Smart Development for a Cleaner Bay Act, 2007** (S808A, H6143B) A vote to require developers to use low-impact design techniques and maintain groundwater replenishment on-site to avoid more impenetrable surfaces that prevent storm water from being absorbed into the ground and entering our natural water cycle. A vote in favor was scored +. Bill passed.
- 13. Cesspool Phase-Out Act, 2007** (S1144, H5037B) A vote to eliminate cesspools posing the most direct threat to drinking water supplies and coastal beaches throughout Rhode Island. A vote in favor was scored +. Bill passed.
- 14. Diesel Emissions Reduction Act, 2007** (S566A, H5574A) A vote to curb diesel pollution by requiring the cleanup of school buses in Rhode Island. A vote in favor was scored +. Bill passed.
- 15. (Senate only) Diesel Emissions Reduction Act, 2008** (S2633) A vote to protect citizens from diesel pollution, which leads to global warming and other harmful environmental impacts, as well as adverse health risks. A vote in favor was scored +. Senate passed.
- 16. (Senate only) Pollution Fines Bill, 2008** (S2841) A vote to increase fines for polluters who refuse to clean up the toxic waste they have left behind. A vote in favor was scored +. Senate passed.
- 15. (House only) Coastal Resources Management Council Board, 2007** (H6266) A vote to include legislators on the Coastal Resources Management Council (CRMC), which violates Separation of Powers. A vote against was scored +. House passed.
- 16. (House only) Coastal Resources Management Council Supreme Court Opinion, 2007** (H6556) A resolution asking the Supreme Court for an advisory opinion about whether legislators are allowed to sit on the CRMC, despite the separation of powers constitutional amendment of 2004. A vote against was scored +. Resolution passed.
- 17. (House only) \$10 million Open Space Bond, 2008** (H7390) A vote to extend land protection programs beyond 2008 for working farms, the creation or expansion of state parks, and local area conservation from development. A vote in favor was scored +. A smaller bond of \$2.5 million passed.

### Key to the Grades

+ = Voted for the ECRI position  
- = Voted against the ECRI position

o = Absent  
nv = No Vote, because not in general assembly at the time of the vote

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## Governor's Inconsistent Record

*(Continued from page 3)*

cant lingering problems at the RIRRC. The Governor and new director have taken action to investigate past improprieties; however, the ability to address the issues has been undermined by the continued skirmishing between the legislative and executive branches over appointments to the Board of Directors. The RIRRC will not be securely on a new course until the Governor and General Assembly provide the council with a full complement of members.

Over the past two years, the leadership at the RIRRC has also begun reopening the debate about bringing incineration proposals back to the table. ECRI has supported Rhode Island's ban on incineration since the early 1990s. Bringing an incinerator to the state at this time would undermine community health, recent improvements in recycling,

and waste diversion. ECRI encourages the incoming RIRRC board to reject these new proposals and recommit the state to strategies to reduce, reuse and recycle our waste.

### Legacy

In the final years of his term, Governor Carcieri has the opportunity to establish his environmental legacy. He voiced his commitment to renewable energy development in the Ocean State. The next two years will tell whether he can provide the leadership to bring his vision to fruition.

The Governor faces serious challenges to undo the damage from deep cuts to staffing and funding of DEM and from inattention to pressing needs in public transit, water supply and waste disposal infrastructure. Rhode Island's future will be determined by our stewardship of the environment and quality of life. The Governor's legacy will be judged by his leadership on these issues.

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## The Rating System

Rating systems cannot adequately account for work that goes on behind the scenes at the legislature. Good bills are often defeated in committee or through procedural maneuvers that do not result in floor votes that can be counted. By the same token, bad bills are often defeated the same way. Counting only votes on the floor of the Assembly, therefore, would fail to capture the true contribution of individual legislators to the outcome of environmental legislation.

In an attempt to allocate credit more accurately, we include not only floor votes, but also sponsorship of bills, both good and bad, in our tally.

For the floor votes included in the tally, individual legislators are graded based on the percentage of times they voted with the ECRI position rather than against it. In the Senate this session, we counted 16 priority issue votes, and in the House we counted 17 priority issue votes. Because Senator Picard served in both the House and Senate during the session, his votes from both chambers are combined in his final grade. Representative Coaty and Representative Ferri are graded only on the votes made during 2008 since they each served for only one year.

Principal sponsorship of environmental bills earns an additional +3 points (good for the environment and passed), +2 (good for the environment but did not pass), -3 (bad for the environment and passed), -2 (bad for the environment but did not pass).

We recognize that leaders in both the House and Senate play a role far beyond their individual votes in setting the tone for and against environmental protection. Although leadership control cannot be as objectively measured as the votes, it is useful to remember that leadership should be held responsible for the overall tone of the session on environmental matters.



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# General Assembly Missed Opportunities for Environmental Protection

The General Assembly failed to pass legislation to bring the Narragansett Bay Commission and the Coastal Resources Management Council (CRMC) into compliance with the Separation of Powers amendment. Over the objections of ECRI and other civic groups, the House twice passed a resolution asking the Rhode Island Supreme Court to find that legislators can continue to sit on the CRMC.

The Senate did not take up the Governor's board nominations for the Rhode Island Resource Recovery Corporation during the legislation session, so that agency has been run by Executive Order from the Governor.

The Environment Council is extremely disappointed that a bill to protect communities from toxic pollution (Felag, Amaral) failed to win approval in 2007 and 2008. The bill passed the Senate early in the session, but did not come to a vote in the House after aggressive pushback by the Southern Union Corporation, which is responsible for contamination of a Tiverton neighborhood. Low fines for polluters who refuse to clean up the toxic waste they have left behind jeopardize public health.

On funding and budget issues, the Environment Council was dismayed over continued budget cuts at the Department of Environmental Management and the House Finance Committee's decision to remove a \$30 million clean water bond and a \$5 million open space bond from the FY 09 budget. Further, the assembly balanced the FY 08 budget in part, by anticipated revenue from the sale of land used for Camp Pastore. This property was acquired in 1934 as part of Burlingame State Park.

In 2008, the Global Warming Solutions Act (Sosnowski, Handy) failed to move beyond Committee hearings in both chambers. This bill would have placed Rhode Island on the path to reduce global warming pollution 20% by 2020 and 80% by 2050.

The Senate and House invested significant time and energy to develop solutions to Rhode Island's water management problems. Rhode Island is a water-rich state, but the lack of coordinated management has led to rivers running dry and to economic opportunities missed.

The Environment Council of Rhode Island supported the Shared Water Resources Act (Bates, Ferri) to reduce water use without imposing a financial burden on water suppliers. Unfortunately, the two chambers could not negotiate an agreement before the end of the legislative session on water supply legislation.

Important legislation to further protect workers from diesel pollution passed the Senate unanimously in 2008, but did not come to a vote in the House.

The Environment Council urges the returning and new members of the Rhode Island General Assembly to take up these issues when the next session begins in January 2009.



## ☒ Find Your Elected Officials

On the Secretary of State's website, you can check your voter registration, find your current elected officials, and view sample ballots for upcoming elections.

**Check out:**  
[www.sec.state.ri.us/vic/](http://www.sec.state.ri.us/vic/)



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The Environment Council of Rhode Island is a coalition of organizations and individuals whose mission is to serve as an effective voice for developing and advocating policies and laws that protect and enhance the environment.

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